



DEPARTMENT OF THE ARMY
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER
AND PRESIDIO OF MONTEREY
MONTEREY, CA 93944-5006

REPLY TO
ATTENTION OF:

ATZP-CDR

30 January 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy on Use of Government Vehicles (GOVs) by Presidio of Monterey Police Officers (POMPOs)

1. References:

- a. Title 31 United States Code §§ 1344 (Passenger Motor Vehicle and Aircraft Use) and 1349 (Adverse Personnel Actions).
- b. Department of Defense Regulation 4500.36-R (Management, Acquisition, and Use of Motor Vehicles), March 1994.
- c. Army Regulation 58-1 (Management, Acquisition and Use of Motor Vehicles), February 2000.
- d. DLIFLC & POM Command Policy on the Use of Government Vehicles, 16 April 2002.
- e. Twelve Hour Shift Implementation Agreement (4/1/96) DLIFLC & POM & AFGE Local 1263.

2. Purpose. To clarify the implementation of reference 1.d. above by Presidio of Monterey Police Officers (POMPOs) during the course of their active patrol duties. Specifically, this command policy provides guidance to POMPOs on the appropriate use of GOVs to comply with the applicable statutes and regulations, specifically in regards to POMPOs' use of their GOVs to obtain food/beverages during their authorized meal breaks.

3. Applicability. This policy applies to all POMPOs employed at DLIFLC & POM by the POM Police Department (POMPD). The geographic applicability of this policy extends to all property over which POMPD has law enforcement jurisdiction and any property off the Installation where POMPOs travel with their GOVs.

4. Definitions:

- a. Government Vehicle. The term "government vehicle" means any vehicle owned, leased, or rented by the United States Government or any vehicle provided by the United States Government to a POMPO for use in carrying out his or her duties as a POMPO.
- b. Patrol Presidio of Monterey Police Officer. The term "Patrol Presidio of Monterey Police Officer" means any POMPO who is assigned a government vehicle for use in conducting law enforcement patrols, but only during such time as the POMPO is actually engaged in patrol duties.

ATZP-CDR

SUBJECT: Command Policy on Use of Government Vehicles (GOVs) by Presidio of Monterey Police Officers (POMPOs)

5. Discussion.

a. The Defense Language Institute Foreign Language Center and Presidio of Monterey (DLIFLC & POM) employs Presidio of Monterey Police Officers (POMPOs) to perform law enforcement functions in order to preserve the peace and protect the safety and welfare of the personnel who live on, work at, and visit the areas over which DLIFLC & POM has law enforcement jurisdiction. In order to provide the necessary law enforcement functions, POMPOs are required to use government vehicles (GOVs) to patrol the installation. The purposes for which a GOV may be used are limited by statute and regulation.

b. GOVs may be used only for official purposes. Determinations of whether a particular use of a GOV is for an official purpose is a matter of administrative discretion to be exercised by the command in accordance with federal law and regulations. The use of GOVs to obtain food and beverages is generally prohibited except in limited circumstances.

c. Patrol POMPOs work lengthy shifts, usually shifts of twelve hours. During these twelve-hour shifts, POMPOs are entitled to meal breaks and coffee breaks as prescribed by agreement with AFGE Local 1263 (see reference e). Requiring Patrolling POMPOs to use their private vehicles to obtain food and beverages or bringing all food and beverages with them at the start of a shift is unfeasible and would adversely affect the mission because:

(1) The Presidio of Monterey Police Station is at Ord Military Community (OMC). POVs are left at the station at the beginning of a shift. Travel time between OMC and POM ranges from 20-25 minutes.

(2) During authorized breaks, patrol POMPOs are required to be available to respond to emergency calls in their assigned patrol GOVs. Patrol POMPOs would not be available to respond to emergency calls if they were required to use their personal vehicles to obtain food and beverages during their shift.

6. Conclusion. The use of GOVs by patrol POMPOs for the purpose of obtaining food and beverages for personal consumption, during authorized breaks while on patrol shifts, is essential to the successful completion of patrol POMPOs' law enforcement mission. Such use of GOVs, in accordance with the policy set forth herein, is the most economical use of government manpower and equipment to provide the required law enforcement functions for the installation. Thus, the use of GOVs by patrol POMPOs in strict accordance with the policy set forth below is for an official purpose and is official business and does not violate the prohibition of paragraph 6 c. of reference 1.d.

7. Policy.

a. Patrol POMPOs may use their assigned GOV patrol vehicle to obtain food and/or beverages for personal consumption during authorized meal and coffee breaks on the patrol shift to which the patrol POMPO is assigned at the time the food and/or beverage is obtained.

ATZP-CDR

SUBJECT: Command Policy on Use of Government Vehicles (GOVs) by Presidio of Monterey Police Officers (POMPOs)

(1) When facilities from which food and beverages may be obtained are open for business within the confines of the installation, patrol POMPOs are not permitted to leave the installation in their assigned GOV to obtain food or beverages.

(2) When facilities from which food and beverages may be obtained are not open for business within the confines of the installation, patrol POMPOs may use their assigned GOV to obtain such food and beverages from nearby off-post facilities. The patrol POMPO will leave the off-post facilities immediately after receiving the food and beverages and will return directly to post. The patrol POMPO will not consume the food and beverages at the off-post facility, to include its parking lot.

b. All breaks must be requested and authorized through the dispatch center before being taken. Such use of a GOV by a patrol POMPO is for an official purpose and constitutes "official business."

c. Patrol POMPOs are prohibited from obtaining food and/or beverages for anyone other than themselves and other personnel patrolling at their facility and are encouraged to place orders in advance, by telephone, when feasible to minimize or preclude waiting time.

d. All provisions of reference 1.d. remain applicable to patrolling POMPOs, specifically including the prohibition of side trips for unofficial purposes, even if the overall trip includes an official purpose.

e. Since POMPOs who are not within the confines of the installation are unavoidably less available for emergencies on the installation, the Directorate of Public Safety (DPS) will encourage POMPOs to utilize on post facilities such as refrigerators and microwaves at the police station and substations to the maximum extent possible. The DPS will ensure that these facilities are adequate and in good repair. In addition, the DPS will ensure that the twenty minute meal breaks, prescribed in reference 1.e, commence on departure from the confines of the installation and end when the POMPO is again within those confines. Finally, the DPS will ensure that absent exigent circumstances, not more than one POMPO is off post, on break, from OMC, or from POM, at any one time.

f. Supervisors of patrol POMPOs are responsible to ensure that all patrol POMPOs are properly briefed on this policy and on the applicable statutory and regulatory limitations placed on the use of GOVs. Supervisors are also responsible to ensure that GOVs are used by patrol POMPOs in strict compliance with this policy. Patrol POMPOs are responsible to comply with this policy and the applicable statutory and regulatory limitations placed on the use of GOVs.

'original signed'

KEVIN M. RICE
COL, IN
Commanding

Distribution:
G plus ATZP-DPS-PD (30)